

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

IN RE MERCEDES-BENZ EMISSIONS  
LITIGATION

Civil Action: 16-cv-881 (KM) (ESK)

~~[PROPOSED]~~ FINAL JUDGMENT

ELECTRONICALLY FILED

IT IS HEREBY ORDERED AND ADJUDGED, pursuant to the Order Granting Final Approval of the Bosch Class Action Settlement and Request for Attorneys' Fees and Costs, and Certifying Nationwide Settlement Class (the "Final Approval Order") (ECF No. 340) THAT:

1. The Court GRANTS the Motion for Final Approval of the Bosch Class Action Settlement <sup>(DE 336)</sup> and Request for Attorneys' Fees and Costs, and Certifying Nationwide Settlement Class, as set out in greater detail in the Final Approval Order, which is incorporated herein by reference. <sup>The Report + Recommendation (DE 343) is adopted in full.</sup> The Court fully and finally approves the Bosch Settlement,<sup>1</sup> as defined in the Final Approval Order, in the form contemplated by the Bosch Settlement and finds its terms to be fair, reasonable and adequate within the meaning of Fed. R. Civ. P. 23. The Court directs the consummation of the Bosch Settlement pursuant to the terms and conditions of the Bosch Settlement.

2. The Court, for the purposes of this Final Judgment, adopts all defined terms as set forth in the Bosch Settlement, except as otherwise expressly specified.

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<sup>1</sup> For the avoidance of any confusion, the "Bosch Settlement" refers to Class Action Settlement Agreement and Release (Bosch), ECF No. 306-2, Exhibit A.

3. Pursuant to Fed. R. Civ. P. 23(a)(1)-(4) and 23(b)(3), the Court CONFIRMS the certification, for purposes of the Bosch Settlement and its administration and enforcement only, of the Class, as defined in the Bosch Settlement.

4. The Court CONFIRMS the appointment of Carella, Byrne, Cecchi, Olstein, Brody & Agnello, PC; Hagens Berman Sobol Shapiro LLP; and Seeger Weiss LLP as counsel for the Class ("Class Counsel").

5. The Court CONFIRMS the following as Settlement Class Representatives: Catherine Roberts, Adrian Clive Roberts, Keith Hall, Susan Albers, John Lingua, Bobby Hamilton, Scott Morgan, Maryana Melnyk, Jeff Findlay, Gustavo Fraga-Errecart, Hassan Zavareei, Terry Garmey, Charles Wolford, Craig Thorson, Richard Yanus, Thomas Weiss, John Laurino, Freddie T. Holbrook, Robert Trepper, Andrew Deutsch, Wendell A. Dingle, Caroline A. Ledlie, Shelby A. Jordan, Seid Dilgisic, Tiffany Knight, Ulyana Lynevyh, Michael Medler, Robert Gershberg, Randolph Rolle, Melanie Johnson, Lars Dannberg, Walter Louis, Jr., and Vincent Minerva.

6. The Court CONFIRMS the appointment of JND Legal Administration as Settlement Administrator.

7. The Court GRANTS Class Counsel's request for attorneys' fees and costs, and, consistent with the Bosch Settlement, AWARDS Class Counsel a 25% share of the total of amounts actually paid to Class Members by the Bosch Defendants under the Bosch Settlement, to be paid on an ongoing basis as payments are made to Class Members. Consistent with the terms of the Bosch Settlement, and for the avoidance of any doubt, the Court permanently BARS and ENJOINS any claims against the Bosch Defendants for attorney's fees (except as provided in the Bosch Settlement), expert, consultant, or other litigation fees or costs.

8. The Court hereby permanently BARS and ENJOINS the Settlement Class Representatives and any Class Member, and all persons acting on behalf of, or in concert or participation with such Settlement Class Representatives or Class Members (together the “Releasing Parties”), from: (a) filing, commencing, asserting, prosecuting, maintaining, pursuing, continuing, intervening in, participating in (as class members or otherwise), or receiving any benefits from any lawsuit, arbitration, administrative, or regulatory, or other proceeding or order in any jurisdiction based upon or asserting any or all of the Released Claims against one or more Released Party; (b) instituting, organizing class members in, joining with class members in, amending a pleading in or soliciting the participation of class members in any action, including but not limited to a purported class action, in any court or other tribunal or forum against one or more Released Party based on, involving, or incorporating, directly or indirectly, any or all of the Released Claims; and (c) filing, commencing, asserting, prosecuting, maintaining, pursuing, continuing, intervening in, participating in (as class members or otherwise) or receiving any benefits from any lawsuit, arbitration, or administrative, regulatory, or other proceeding or order in any jurisdiction based on an allegation that the Bosch Defendants’ compliance with the provisions of the Bosch Settlement violates any legal right of any Class Member.

9. With respect to the effect of this Final Judgment on persons and entities eligible for membership in the Class, only those persons and entities who timely submitted valid requests to opt out of the Class, are not bound by the Final Approval Order or this Final Judgment, and any such excluded persons and entities are not entitled to any recovery from the Bosch Settlement.

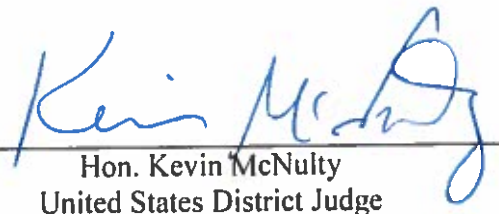
10. The Final Judgment is final as to all Released Claims of all Releasing Parties, and the Clerk is directed to enter Judgment thereon, without costs to any Party except as provided in this Final Judgment, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

11. All claims against the Bosch Defendants in the Action are hereby dismissed on the merits and with prejudice, without fees or costs to any party, other than as specified in the Final Approval Order, this Final Judgment, and the Bosch Settlement.

12. The Court will retain continuing and exclusive jurisdiction over the Parties and the Action for the reasons and purposes set forth in this Final Judgment and the Final Approval Order. Without in any way affecting the finality of the Final Approval Order and this Final Judgment, this Court expressly retains exclusive jurisdiction as to all matters relating to the administration, consummation, enforcement, and interpretation of the Bosch Settlement (as set forth in Section 16.8 of the Bosch Settlement), the Final Approval Order and this Final Judgment, and for any other necessary purpose.

*The clerk shall close the file.*

**IT IS SO ORDERED.**

  
Hon. Kevin McNulty  
United States District Judge